

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
ARAM YEGORYAN and ZARA YEGORYAN,

Plaintiff,
-against-

CARLOS R. MORALES,

Defendant.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 29 2010 ★

BROOKLYN OFFICE

ORIGINAL

D 3 F
C/M

MEMORANDUM AND ORDER
Case No. 08-CV-1308 (FB) (ALC)

Appearances:

For the Plaintiff:

DEBRA J. MILLMAN, ESQ.
302 Fifth Avenue
8th Floor
New York, New York 10038

BLOCK, Senior District Judge:

On September 10, 2010, Magistrate Judge Carter issued a Report and Recommendation ("R&R") recommending that the Court award default judgment against defendant Carlos R. Morales in the total amount of \$2.00, consisting of \$1.00 in nominal damages for Aram Yegoryan's negligence claim, and \$1.00 in nominal damages for Zara Yegoryan's loss of consortium claim. *See* R&R at 5. The R&R stated that, for nearly a year, plaintiffs had been given multiple opportunities to submit documentation sufficient to determine damages, and failed to do so. *See* R&R at 3, 5. The R&R also stated that failure to object within fourteen days of the date of the R&R would preclude further review. *See id.* No objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario*

v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000); no such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

s/Frederic Block

FREDERIC BLOCK

Senior United States District Judge

Brooklyn, NY
September 27, 2010